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* SRI T. PURUSHOTHAM :—“ I thought it would have reached the Hon. Minister. It has been circulated yesterday. That is what I was told.”

MR. CHAIRMAN :—“ I am told it has been sent to the Hon. Minister. Perhaps it has not yet reached him.”

* SRI T. PURUSHOTHAM :—“ I have no objection if the Hon. Minister could give an answer or make his statement tomorrow. I only wanted to bring it to the notice of the Hon. Minister. If . . .”

MR. CHAIRMAN :—“ As the Hon. Minister is not able to give his answer, we will take up this question tomorrow.”

IV.—GOVERNMENT BILLS.

(1) THE POLICE (MADRAS AMENDMENT) BILL, 1955 (L.A. BILL NO. 14 OF 1955)—*cont.*

* THE HON. SRI C. SUBRAMANIAM :—“ I had the technical point raised by Sri K. Balasubramanya Ayyar yesterday, thoroughly examined and I am advised by the Law Officers that there is nothing wrong in undertaking this amendment. There is a difference between the law coming into operation in a particular area and the law being made applicable to a certain area. We may pass an Act and it may come into effect later on at a particular date. It may be passed either by the Central Legislature or the State Legislature. It does not matter whether the Central or the State Legislature passes that Act. When we have to change any provision of that enactment, it is not as if we cannot bring an amendment to that original Act, since only a portion of the same has been made applicable to this State, when it was originally passed. If any portion of a law is applicable to an area over which the Legislature of a State has got jurisdiction, then the Legislature of that State has got the power and it is open to that Legislature to amend that Act, if it so chooses. We have got precedents for that. We have two precedents, which I can straightway mention. The Madras Ways and Means Act, 1948, which did not come into operation at that year but which came into effect later on, was amended by Act XIX of 1950 (Madras Act XXXVI of 1951) which amended sections 1 and 20 (a) which did not come into operation and inserted new sections 5 (a) and 14 (a). The Child Marriage Restraint Act which came into force on 1st April 1930 was amended earlier on 16th March 1930. Therefore the only question now before us is whether this Bill is one on which we are competent to legislate. As far as the Police Act is concerned, hon. Members may be aware that jurisdiction is given to the State to deal with matters pertaining to police and therefore even though the Act had been passed at that time by the Central Legislature, by adaptation and after the Constitution came into force, all these Acts have been deemed to be Acts passed by the State Legislature, which has

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the power to legislate on that subject under the Constitution. Therefore even though the Police Act had been passed by the Central Legislature, it should be deemed after the Constitution came into force to be an enactment passed by our Legislature, which has the power to legislate on it. So whatever might have been the scope of the enactment in the beginning, after the Constitution came into force, by an Article in the Constitution those enactments have been made applicable to the States in the respective spheres. That being so I am advised by my Law Officers that there is absolutely nothing wrong in this amendment, being made to the existing Act. As I have already said, if we pass this amendment, we would have made the Act self-contained. Therefore, for the reasons I have explained, I wish we proceed with the Bill, as it is worded at present. It does not require any change."

SRI K. BALASUBRAMANYA AYYAR :—"I am sorry I cannot fully agree with the Mover of the Bill. There are two points to be noted. One is that there is the Central Police Act, 1861, which was not made applicable to Madras because there was already the Act (Act XIV of 1859) passed with reference to Madras. Therefore the Central Police Act of 1861 was not applied to Madras. But afterwards, the Madras Government by a notification in the year 1898 made this Central Act applicable to this State, and it was in respect of only certain sections, as those provisions were not found in the Police Act of 1859. Therefore, it cannot be said that there was no Act previously and that before it came into operation this was done. Because there was our Act, the Central Government did not apply the whole of their Act to Madras; they only applied some of the sections and the precedents quoted are quite different. Therefore, there was a Police Act running through. What I want to say is that this is irregular. A section which is not in force here cannot be amended by us. I do not question the validity or the capacity of the Madras Legislature to pass any measure affecting the Police. No, I do not say so. But Government purport to amend the Act of 1861, portions of which alone have been made applicable to the Madras State. They then take up another section and try to amend it. The procedure is irregular and such irregularities should not be repeated. I am not anxious to oppose this Bill. But I want, as I myself mentioned clearly, that the legislative provisions should be regular. Government could have brought in a general Bill or they could have amended the Police Act of 1859."

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p.m.

* THE HON. SRI C. SUBRAMANIAM :—"Sir, I am still unable to agree with the hon. Member. I have consulted the Law Officers and I should prefer to follow their advice. There is nothing wrong in our procedure. As far as this subject is concerned, it falls under List II, that is exclusively the State List. Even though it might be an enactment by the Central Legislature originally, now by adaptation, it has become an enactment relating to the provincial sphere and therefore it must be deemed to have been passed by a State Legislature which is competent

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to legislate on this subject. Therefore, this is an enactment which is applicable to the States as such and therefore the State Legislature has got the jurisdiction to amend this enactment. So, the only other question is, whether for the purpose of amending a section, is it necessary that it should have become operative in that area. I have cited instances where amendments to particular sections were already undertaken. The legislative aspect has been fully examined and therefore let us proceed on the basis that this is quite a valid measure which we are adopting."

* SRI V. GURUNANDAN ROW :—" Sir, as far as this Bill is concerned, I do not think that the procedure adopted is objectionable. I do not think it objectionable, because there have been cases where the Criminal Procedure Code which was passed by the Central Legislature has been amended by Madras Acts. The question to be considered is whether the subject-matter of the legislation is in the concurrent list or in the State list. If it is in the State list, there is no basis for a Central legislation; but if it is in the concurrent list, both the Centre and the State can pass laws in respect of that subject-matter. There have been several State Acts amending Central Acts and they have not been challenged in any Court. It may be an unhappy way of doing things. I therefore do not think that there is any objection to the procedure followed. In fact that matter has come up before Courts and they have held that it is not unconstitutional.

" Then, Sir, I would like to take this opportunity to say something about the amendments proposed. Because, I always find that the Government are very quick in placing more and more restrictions upon fundamental rights. The fundamental right involved in this amendment is the right of freedom of meetings, processions and assemblies. That is the fundamental right involved and the most important democratic rights are freedom of speech, freedom of association and freedom of assembly. The Government are very quick in trying to impose more and more restrictions on these rights. I am not saying that it is not necessary, but I am only surprised at the quickness with which legislation comes for restriction of fundamental rights. The Government do not think that there is any duty cast upon them to see that the people are given facilities to have more and more meetings, but they come forward to put only restriction on whatever rights the people have. They have not done anything to promote more meetings. As far as this clause is concerned it refers to the political right of the people. Have Government done anything to see that the public halls are placed at the disposal of the people to hold meetings and take out processions where it does not involve any breach of the peace? What I am saying is that there has been no legislation at all for the purpose of facilitating the exercise of fundamental rights by the people. After all it is a political party that is ruling and that political party should really be interested in safeguarding the political rights of the people. It is certainly their duty to see that some legislation is passed to

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see that at least public halls are made available free to everybody to hold meetings. That will be only in accordance with the directive principles of State policy. Therefore, I only take this opportunity to appeal to the Government that it is not sufficient if they go on putting restrictions, but they should do something to see that people are given real facilities for the exercise of important political and democratic rights."

SRI M. P. GOVINDA MENON :—" Mr. Chairman, Sir, I support this Bill. On the constitutional difficulty pointed out by my hon. Friend, Sri Balasubramaniam Ayyar, I also had some doubt yesterday. But when I thought over it, I saw there was no real constitutional difficulty. As the Hon. Finance Minister put it, the Police Department is a State affair. The 1861 Act has been passed by the Centre and is on the Statute Book and that has not been taken away by the Constitution. We have adapted it as it is practically an Act by which we can administer the Police Department. So, for the necessary changes we can amend the sections of that Act. In addition this is a question of controlling meetings in thoroughfares and public places that come under section 30. Section 30 was made applicable to the State by a notification. Now we seek to amend the definition by clause 2 and in that respect we are entitled to do that and we are competent to pass this amendment.

" Sir, on merits, I have my own difference of opinion, my own quarrels with the party in power. But I do believe that whoever is in power, whichever party is in power, that party, that Government must have some power to regulate and control processions, meetings and other things. Because, in the name of democracy, in the name of freedom, in the name of personal rights etc., we cannot allow the people to degenerate into mobocracy; it may lead to quarrels and breaches of the peace. Therefore, whoever is in power must have some power of controlling and regulating assemblages, processions and other things in public places. By the definition, we want to extend 'public places' to include thoroughfares and public maidans. There is no harm in that. If the Government go astray and use that power to repress the people, the people can take action against the Government. But essentially, the Government must have such powers to maintain law and order so that there can be peace in the country. I support this Bill."

* SRI A. M. ALLAPICHAJ :—" Mr. Chairman, Sir, it is not so very easy to say anything definitely about this matter because we know that if democracy has to function well in this country, people must be given larger opportunities of giving expression to their views. I do really realise the difficulties in the way. No doubt, on certain occasions, there may be some quarrel or some breach of peace here and there and it is the imperative duty of the Government to put down such a breach of the peace. But if in the name of breach of peace we entrust the whole power in the hands of the police to grant licences to whomsoever they liked,

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I am afraid it will create a lot of difficulty. I know as a public man that it is nowadays very difficult to organise meetings. Even to organise meetings which have to be addressed by very important persons is very difficult nowadays because somebody has to go to the police station or to the Police Commissioner and make an application and so on and wait there. We have to examine that aspect of the question also. Perhaps, we, the Members of the Legislative Council, may not realize the difficulties of others. Chiefly the Members of the Legislative Assembly and the Members of Local Bodies have to go about in the midst of the people and talk to them. Do you think that the licence is granted within a minute as soon as we go and ask them to grant the licence? Three or four days before the meeting we have to make an application to the Commissioner of Police or to any other Police officer empowered under the rules. Sometimes he takes his own time. Sometimes he refuses to grant permission with or without any reason. What I wish to submit is this. Sir, the Congress Government are ruling the country. The Congress Party is very much interested in the development of democracy in the country and we do not believe in the rule of one Party in our country. We wish to see that in our country there are more political organisations so that the future Government of this country may be a very stable one and is really a good Government. Whatever it may be, whether it is the Communist Party or the Socialist Party or any other Party, the application has to be made three days in advance of the meeting. It is very difficult, Sir. The Government may in course of time realise the difficulties. We have to wait for three days and even then we do not know whether we will get the licence or not. Suppose there is no restriction like that and as the Hon. Minister has put it, suppose two parties want to have their meetings in one particular place, then it will lead to many difficulties. But these difficulties must be got over in some other way, not by giving such vast powers to the police. That is what I am afraid of.

“On previous occasions on the floor of this House, I have pointed out that our people do not know how to put a mark in the ballot paper. We have given adult franchise to such people. Is it not the duty of the Legislators and others to see that our people are educated? How can our people get educated if we have to go to the police every now and then and wait there for getting their permission? No doubt, the Assembly has passed this Bill, but we have to bear in mind these matters. Even for Congressmen it is very difficult to get permission. I know it personally. I speak from personal knowledge.”

SRI M. P. GOVINDA MENON :—“Does the Deputy Chairman want any preferential treatment for Congress men?”

* SRI A. M. ALLAPICHAJ :—“Sir, I am making my point more emphatic. The Congress is the ruling Party. If there is difficulty in the case of the ruling Party, it will be much more so in the case of the other parties. I do not want any preferential

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treatment at the hands of anybody. The Congress Party does not require any preferential treatment. No doubt, the Government might have experienced difficulties and they may have a very good case. But that is not enough. In our country, we do not have big public halls where our people can hold their meetings by paying Rs. 5 or Rs. 10. Our cities and districts are not small places. Suppose we want to address people at Mylapore or at some other place. How can we do it? We must have it somewhere in the street. Where else can we have it, I ask."

THE HON. SRI C. SUBRAMANIAM :—" Sir, I am sorry I have to interrupt the Deputy Chairman. We are not now considering the City Police Act. This is completely a different thing altogether. I thought he would just mention his points and pass on, but he seems to think that this Bill deals with getting permission for holding meeting, etc. If the hon. Member has gone through the Bill, he will find that it does not deal with such cases. That is regulated by the City Police Act. This is a little bit different. No doubt, the difficulties pointed out by him are there. Perhaps he is under the impression that the present Bill deals with them."

* SRI A. M. ALLAPICHAJ :—" Sir, I am sorry. Anyhow, what I have said applies to the City. Let not any difficulty be created for others also."

* SRI A. GAJAPATHY NAYAGAR :—" Mr. Chairman, Sir, we are always used to speak about the man in the street. I ask now 'Where is the man in the street?'. He has been elbowed out. There is no place for the man in the street to go, so that he could be at ease and talk to friends. Now, the only places open to him are public places like parks, etc. In towns, every vested interest has got its own hall. Unless we pay a fat rent of Rs. 275 as in the case of the Annamalai Manram or Rs. 50 as in the case of the Gokhale Hall we cannot get a place. Therefore, let not the Government—calling themselves a democratic Government—interfere with these public places and allow an alien agency, even though the Police are our own men, to interfere and meddle in these matters. Let public places be free places where all free people can go and freely talk or act. Let there be no restriction. My point of view is whether we have got to proceed from the general to the particular or from the particular to the general. In the name of a particular remedy, do not take away a general right. That is why I plead that public places may be kept public and not allowed to come under the domain of the Police."

* SRI T. PURUSHOTHAM :—" Mr. Chairman, Sir, I wish to support this Bill. I listened very carefully to the speeches of the hon. Member Sri Gajapathy Nayagar and others. I wish to put forth only one point of view. These public parks have been formed as civic amenities out of public funds in the City and other Municipal areas. Certainly it is atrocious that the serenity and the peace for which we go to these parks should be disturbed by

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public meetings; processions, etc. It is on this ground that I strongly object to any public meetings and processions being conducted there, to whichever party such demonstrations may belong. We go there for recreation and the serenity, and the place should not be spoiled by such processions and meetings. Therefore, I welcome this measure."

SRI MOHAMED RAZA KHAN :—" Even now I have not made up my mind as to whether I should give full support to the Minister. A very warm support—rather unusual—has been given by my hon. Friend Sri M. P. Govinda Menon to this Bill. Some extraneous points have been raised by the Deputy Chairman Sri A. M. Allapichai. After hearing the speech of the Hon. the Minister for Law regarding the constitutional position, we see that the scope of the Bill is limited. As a result of the judgment of the High Court, what is sought to be done new is to include public places within the purview of the Bill. But I do feel that Members are within their rights if they can digress a little. In a discussion in this House some latitude is always given, which I am sure will be given now also. Of course, I am really at one with the Deputy Chairman on his thesis on fundamental rights. But I do say—not that I like to support the party in power—that there has been not many complaints as far as the City of Madras is concerned. Formerly during war time or even earlier, in order to have proper control over meetings, permission was necessary from the Police department, because it was likely that a particular meeting suddenly arranged without the formal permission led to some trouble and a breach of the peace. If the Police are informed a day or two earlier, necessary precautions will be taken and invariably in 99.9 per cent of cases, law and order will be maintained. Similar is the case with processions. I think very recently there was a decision of the High Court which gave the ruling that permission for taking out a procession was not necessary, although before that in the City of Madras no procession could be taken out without the formal permission of the Police authorities. Invariably the Police will intervene. They will decide the various routes through which the procession should go if they feel that there is a likelihood of a breach of the peace. That apart, as far as I can see, a certain amount of control is necessary. I do not think there will be any violation of the fundamental rights if we go to the Police officers and get their permission. But I am sure that, to satisfy my friend on the left, Sri A. Gajapathy Nayagar, and also Sri Gurusundaram Row, the Government of Madras will do well to instruct the Police department that no application for permission to hold a public meeting or for taking out a procession should be refused unless they have got valid grounds. In case the Police refuse permission I think the law provides for an appeal to the Government. This has happened in some cases. There is one difficulty here. The hon. Member Sri T. Purushotham raised a very good point saying that parks were intended for recreation in the evening and therefore parks could not be a resort for public

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meetings. If only there were vacant places in the various parts of the City of Madras, where people could assemble and have their meetings, surely nobody would go and disturb the peaceful time which our friend Sri T. Purushotham would be having in any of the parks in the City. There are practical difficulties. No vacant places are available. No big halls are available. Rajaji Hall is not available for public meetings. The Annamalai Hall is only for music, etc. Again the location of these halls may not be suitable for people in the extreme south or extreme north of Madras. Therefore, for lack of vacant places, in the City of Madras (really it is to the disadvantage of Madras), meetings cannot be held. Many of the meetings of the parties cannot be held. This much should be said. In the last general elections it was stated that ample facilities would be provided to arrange meetings in as short a time as possible. But now they say that municipal elections are coming and many of the parks in the City are places where meetings might be held. There must be a permanent order that no public meeting either for the purpose of elections or for other reasons should be held in the streets. I think they have restricted it by the refusal of licence to use loudspeakers. Of course, for the temporary period of elections, the Minister for Law will allow exemptions and allow the meetings to be held in the streets, particularly in areas where there are no vacant places, provided they do not affect the public there. I think it would be a good thing if the Minister for Law were to go into the matter and allow public meetings to be held in certain streets, for purposes of municipal elections, on behalf of the various candidates, if there are no vacant places in those areas. While supporting the Bill, I should say that no one should have the feeling or fear that a meeting was unnecessarily banned for political reasons. No procession should be banned unless and until it is sure that that procession would lead to a breach of the peace requiring the intervention of the Police. While supporting the Government, I may say that though there may be one or two cases here and there, in the generality of cases there has been no attempt on the part of the Government and the Police to ban a meeting or a procession. If there has been any such general ban, I am sure the Government will issue necessary instructions to the Police Department to see that there is no cause for complaint."

* SRI G. KRISHNAMOORTHY :—" Sir, the scope of the Bill is to enlarge the definition of ' public place ' so as to regulate the assembly in public places like maidans and parks. We are contemplating an amendment to Section 31 of the Act, and from the amended form that has been given to this House for approval, it is found that the word ' ghats ' has been left out in the amended form. Mr. Chairman, ' ghat ' is popularly known as a place where people bathe. It is a flight of steps built on the banks of a stream or a river. We find ' ghats ' not only on the banks of rivers adjoining towns"

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MR. CHAIRMAN :—“ Is the hon. Member talking on the amendment? ”

* SRI G. KRISHNAMOORTHY :—“ I am speaking on the Bill, Sir. We find ‘ ghats ’ not only on the banks or rivers adjoining towns but also in rural parts. Now the definition of ‘ public place ’ says—

“ the words ‘ public place ’ shall mean a place (including a road, street or way, whether a thoroughfare or not, and a landing place) to which the public are granted access or have a right to resort, or over which they have a right to pass.”

It may be argued that ‘ ghat ’ is one such place and falls easily within the definition of ‘ public place ’ in the Amendment Bill. But I know of a particular instance (and there is also the likelihood of many more instances arising like that) where ghats built out of charitable funds or out of funds raised by the public and built in the name of a particular officer who was predominant in that place at that time or in the name of a particular person who helped the major construction, are claimed to be ghats belonging to a particular group of people.”

* THE HON. SRI C. SUBRAMANIAM :—“ We cannot consider all these here.”

* SRI G. KRISHNAMOORTHY :—“ What I say is that the omission of the word ‘ ghats ’ is not proper. It should be there. There is no harm in our being redundant in law. Ghats can easily find a place in the definition of public place. But the omission of that word is not good in the interests of what is going on in the State. That is what I say. It is better to be clear that every ghat, whether it is built out of charitable funds or whether it is built after the name of a particular person is to be a public place. Every ghat is to be a public place. No particular group of people can claim it to be their own, and the Police have got the right of just regulating the assembly in that particular ghat on a religious occasion or on an occasion when people assemble in large numbers. So, I do not know exactly why the Government have left that word ‘ ghats ’ in amending Section 31. I would request the Government to go into the matter and just approve of the inclusion of the word ‘ ghats ’ there so as to see that the public are made to know before hand that every ghat whether built out of a particular man’s fund or out of public funds or whether named after a particular individual is a public place to which all the members of the public have a right to resort and where the Police have the right to regulate.”

4 p.m. * THE HON. SRI C. SUBRAMANIAM :—“ Sir, with reference to the suggestion made by the hon. Member who spoke last that ‘ ghats ’ should also be included in the definition, whether built by private individuals for his own private use or built by anybody else, I am sorry to say that the fundamental requirement of a ‘ public place ’ is a place over which the public is granted access

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or has a right of resort to or over which they have a right to pass. That is the fundamental requirement to call it a 'public place'. Simply because you use the term, ghat, a thoroughfare or a landing place, it will not become a 'public place', if, as a matter of fact, people have not got a right of access to that place. Therefore, it does not improve matters by simply using the word 'ghats'. Now, the definition is wide enough to include any place. It may be a ghat or it may not be a ghat. But, if it is a place where the public are granted access to or have a right to resort to or over which they have a right to pass (whatever be its description) then it will be a 'public place'. This will be the criterion. Still, if it is a place, even if it is a road or a street, if it is a private street or road, merely because 'street' is mentioned here, it does not become a 'public place'. Therefore, the necessary requirement to call a place a 'public place' should be there. In those places what we are now contemplating is, regulation of assemblies and regulation of processions. Mr. Guranandan Row has been arguing that we are attempting to restrict the fundamental rights. I submit, Sir, that we are making provision for the proper exercise of fundamental rights. After all, in a park or in any public place when an assembly has to be held or a public meeting has to be held, it has got to be regulated because, the entire public have a right of access to it. A particular group alone cannot have an assembly there and carry on a meeting and make it a nuisance to those who are likely to go to that park or to that public place because everybody has a right of access to that particular place. For the purpose of safeguarding the fundamental rights of the other citizens, if a group of persons want to have a meeting in a public place, certainly it has got to be regulated in any event. That is what is contemplated and nothing more. After all, roads are intended for the purpose of walking for all persons. You cannot carry on a procession and block the street. I have known processions, thousands marching along and all the cars having to wait for hours together. They will say that in these days of democracy, passengers should have the preference and they will block the entire traffic for even half an hour or 45 minutes. I have myself undergone that trial, Sir. So, all these things will have to be properly regulated. I do not object to these processions.

"Then, apart from that, in these days with political parties opposed to each other, we should also see that there is no conflict between one party and another. Particularly, during election time, processions are quite common. One procession should not come into clash with the other and therefore it has to be necessarily watched and regulated. The hon. Member will see that Section 30 embodying the amendment runs as follows:—

'The District Superintendent or Assistant District Superintendent of Police may, on occasion requires, direct the conduct of all assemblies and processions in public places and prescribe the routes by which, and the times at which, such processions may pass.'

This is a general case where for every procession or every assembly, a permit or a licence is required. This is because whenever

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occasion arises the Police authorities have to intervene for the purpose of regulating the procession or the assembly. That is one thing. Then, the proposed Section 30, Clause 2 says that where there is likely to be a breach of the peace because of the assemblies and processions held in a public place. The Magistrate of the district or of the subdivision of a district, may require by general or special notice that the persons convening such assembly or directing or promoting such procession shall apply for a licence. This is a general order which a Magistrate is empowered and not the Police authorities. Where there is likely to be a breach of the peace and such an order is passed, it becomes necessary to have a licence. If such a general order is not in force, such a permit is not necessary.

“And the other thing is with reference to the festival occasions when music may be used in the streets. We all know how easily it becomes a source of trouble particularly when music is played before a Mosque. So, it has got to be regulated at least with reference to the hour of worship. That is why under sub-clause (4) that power is taken.

“Under Section 31, it is the duty of the Police to keep order in public places and to prevent obstructions on the occasion of assemblies and processions in public places, that is, for the purpose of seeing that the assemblies are conducted properly and processions go through peacefully. Section 34 is also consequential. Therefore, I would respectfully submit that this is not a case where the Government are attempting to restrict the fundamental rights of the citizens. On the other hand, every right has got a corresponding obligation and unless that obligation is observed it will be impossible to exercise the right. Therefore, this is a very essential measure for the purpose of seeing that citizens are properly protected in the exercise of their fundamental rights, particularly in public places.”

MR. CHAIRMAN :—“The question is—

‘That the Police (Madras Amendment) Bill, 1955 (L.A. Bill No. 14 of 1955), as passed by the Assembly, be taken into consideration.’ ”

The motion was carried and the Bill was taken into consideration.

Clause 2.

MR. CHAIRMAN :—“Motion moved—

‘That clause 2 do stand part of the Bill’.”

SRI K. BALASUBRAMANYA AYYAR :—“Sir, I move the amendment standing in my name, namely :—

‘In sub-clause (a), after the words “thoroughfare or not” and before the word “and” insert the word “ghats”.’

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"Sir, the matter was referred to in a way by Mr. G. Krishnamoorthi. But, my point is slightly different. In the existing section 31 it is stated that it shall be the duty of the police to keep order on the public roads and in the public streets, thoroughfares, ghats and landing places and at all other places of public resort. But, in the section embodying the amendment, only the words 'in public places' have been used. While drafting the definition 'public place', they say for the sake of caution any public place includes a road, street or way, whether a thoroughfare or not and a landing place also. Therefore, I thought besides the words 'public streets, thoroughfares and landing places' they have now mentioned 'public places' as mentioned in the definition clause. If we omit the word 'ghat', it will lead to some misconception because it may be argued that we have specially removed this and in the High Court there may be a decree and again there may be arguments and all that. To avoid all that, I wish that the words 'public place' should cover 'ghats' if the public have got a right of access to that place. I am not introducing any new word. That has been mentioned already in the existing Act. When the drafting took place about 'public place', they have mentioned all these words, 'thoroughfares, landing places, etc.' So, there need not be any deliberate omission of it."

SRI G. KRISHNAMOORTHI :—"I second the amendment, Sir."

MR. CHAIRMAN :—"Amendment moved—

'In sub-clause (a), after the words "thoroughfare or not" and before the word "and" insert the word "ghats".'

* THE HON. SRI C. SUBRAMANIAM :—"Sir, I can very well understand if a layman misunderstands that simply because the word 'ghats' has not been included there, it may not come under the definition 'public place'. But, judges, I am sure, will look into the general definition of public place which is given as 'a place to which the public are granted access or have a right to resort or over which they have a right to pass'. This will be the test for the purpose of finding out whether it is a 'public place' or not. So, under these circumstances, I do not think there is any necessity to include that word. I am, as a matter of fact, even for leaving the words 'including a road, street or way and a landing place'. But, they have put it there."

The amendment was by leave of the House withdrawn.

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

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THE HON. SRI C. SUBRAMANIAM :—“ Sir, I move—

‘ That the Police (Madras Amendment) Bill, 1955 (L.A. Bill No. 14 of 1955), as passed by the Assembly, be passed.’ ”

MR. CHAIRMAN :—“ The question is—

‘ That the Police (Madras Amendment) Bill, 1955 (L.A. Bill No. 14 of 1955), as passed by the Assembly, be passed.’ ”

The motion was carried and the Bill was passed.

(2) THE MADRAS BUILDINGS (LEASE AND RENT CONTROL)
AMENDMENT ^a BILL, 1955 (L.A. BILL NO. 21 OF 1955).

* THE HON. SRI SHANMUGA RAJESWARA SETHUPATHI :—“ Sir, I move—

‘ That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1955 (L.A. Bill No. 21 of 1955) as passed by the Assembly be taken into consideration.’

“ In moving this Bill I wish to say that this is a very simple measure seeking extension of the life of the Act for a further period of two years. The formation of the Andhra State and the consequent shifting of the Andhra High Court and some other offices from the Madras City have not given appreciable relief in regard to the accommodation position in the City of Madras. In the mufassal towns also, the position has not improved and there is still strong room for the continuance of the Act in all areas to which it is now applicable. The Government also propose to take power to withdraw the application of the Act from any municipal town where the need for control seems, in the opinion of Government, to be not necessary, from any future date. At the same time, I wish to assure the House that the Act will not be continued for a moment longer than the necessary period. With these words I request the House to accept the Bill.”

MR. CHAIRMAN :—“ Motion moved—

‘ That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1955 (L.A. Bill No. 21 of 1955) as passed by the Assembly be taken into consideration.’ ”

* SRI G. KRISHNAMOORTHY :—“ I beg to oppose this Bill with all the vehemence that I can command. This is quite an unwanted Bill. Shelter or provision of a house is one of the three main necessities of life, viz., food, clothing and shelter. We have had controls on food, clothing and many other things. Thanks to the efforts of our revered Rajaji, controls on food were removed. We knew how difficult it was to get rice and clothes in those days, when control was in force. We know how easily food and clothing are available now. When control in respect of food and clothing have been removed, I do not know why control in respect of the